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*Status:* This version of this Instrument contains provisions that are prospective.  
**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](http://legislation.gov.uk) editorial team to The National Health Service (Dietitian Supplementary Prescribers and Therapeutic Radiographer Independent Prescribers) (Miscellaneous Amendments) (Scotland) Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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## SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 393**

### **NATIONAL HEALTH SERVICE**

#### **The National Health Service (Dietitian Supplementary Prescribers and Therapeutic Radiographer Independent Prescribers) (Miscellaneous Amendments) (Scotland) Regulations 2016**

*Made* - - - - 23rd November 2016  
*Laid before the Scottish Parliament* - - - - 25th November 2016  
*Coming into force* - - 31st December 2016

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 17E(1), 17N(1) and 27(1) and (1A) of the National Health Service (Scotland) Act 1978(1), and all other powers enabling them to do so.

PROSPECTIVE

#### **Citation and commencement**

1. These Regulations may be cited as the National Health Service (Dietitian Supplementary Prescribers and Therapeutic Radiographer Independent Prescribers) (Miscellaneous Amendments) (Scotland) Regulations 2016 and come into force on 31st December 2016.

#### **Commencement Information**

**II** Reg. 1 in force at 31.12.2016, see [reg. 1](#)

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(1) [1978 c.29](#); section 27(1) was amended by the National Health Service and Community Care Act [1990 \(c.19\)](#) section 66(1) and schedule 9, paragraph 19(7), the Medicinal Products: Prescription by Nurses etc. Act [1992 \(c.28\)](#) section 3, the National Health Service (Primary Care) Act [1997 \(c.46\)](#) schedule 2, paragraph 44, and the Health and Social Care Act [2001 \(c.15\)](#) (“the 2001 Act”) section 44(2); section 27(1A) was amended by the Health Services Act [1980 \(c.53\)](#) section 20(2), the 2001 Act, section 44(3), the Health and Social Care Act [2012 \(c.7\)](#) sections 213(7) and 220(2), [S.I. 2003/1590](#), schedule 1(1), paragraph 2, [S.I. 2004/1771](#), schedule 1(1), paragraph 6, and [S.I. 2005/2011](#), schedule 6(1), paragraph 2(3); section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act [1998 c.46](#).

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## **Amendment of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004**

2. The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004(2) are amended as follows.

3. In regulation 2(1) (interpretation)—

(a) after the definition of “independent nurse prescriber” insert—

““independent prescriber” means—

- (a) an independent nurse prescriber;
- (b) a pharmacist independent prescriber;
- (c) a physiotherapist independent prescriber;
- (d) a podiatrist or chiropodist independent prescriber; or
- (e) a therapeutic radiographer independent prescriber;”;

(b) in the definition of “prescriber”—

- (i) in paragraph (e) omit “and”; and
- (ii) at the end of paragraph (f) insert—  
“; and

(g) a therapeutic radiographer independent prescriber;”;

(c) in the definition of “supplementary prescriber”—

- (i) in paragraph (d)(ii) omit “or”; and
- (ii) after paragraph (d)(iii) insert—

“(iv) dietitians; or”; and

(d) after the definition of “temporary resident” insert—

““therapeutic radiographer independent prescriber” means a person—

- (a) registered in Part 11 of the register maintained under article 5 of the Health and Social Work Professions Order 2001(3); and
- (b) against whose name in that register is recorded—
  - (i) an entitlement to use the title “therapeutic radiographer”; and
  - (ii) an annotation signifying that the person is qualified to order drugs, medicines and appliances as a therapeutic radiographer independent prescriber;”.

4. In schedule 5 (other contractual terms)—

(a) in sub-paragraphs (6) and (7) of paragraph 44 (provision of dispensing services) for “, an independent nurse prescriber, a pharmacist independent prescriber, a physiotherapist independent prescriber or a podiatrist or chiropodist independent prescriber” in each place it occurs substitute “or an independent prescriber”; and

(b) in paragraph 58 (independent nurse prescribers and supplementary prescribers)—

- (2) S.S.I. 2004/115; regulation 2(1) was relevantly amended by S.S.I. 2005/337, S.S.I. 2006/247, S.S.I. 2007/501, S.I. 2010/231, S.I. 2012/1479 and S.S.I. 2014/73; paragraph 44 of schedule 5 was relevantly amended by S.S.I. 2007/206, S.S.I. 2007/501, S.S.I. 2011/55, S.S.I. 2014/73 and S.S.I. 2014/148 and paragraph 58 of schedule 5 was relevantly amended by S.S.I. 2007/501, S.S.I. 2010/394 and S.S.I. 2014/73.
- (3) S.I. 2002/254; the title of the Order was substituted by the Health and Social Care Act 2012 (c.7) section 213(4) and article 5 was amended by S.I. 2009/1182, schedule 2, paragraph 2.

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- (i) the heading becomes “Independent prescribers and supplementary prescribers”; and
- (ii) in sub-paragraphs (1) and (2) for “independent nurse prescriber, a supplementary prescriber, a pharmacist independent prescriber, a physiotherapist independent prescriber or a podiatrist or chiropodist independent prescriber” in each place it occurs substitute “independent prescriber or a supplementary prescriber”.

#### Commencement Information

- I2** Reg. 2 in force at 31.12.2016, see [reg. 1](#)
- I3** Reg. 3 in force at 31.12.2016, see [reg. 1](#)
- I4** Reg. 4 in force at 31.12.2016, see [reg. 1](#)

### Amendment of the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004

5. The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004(4) are amended as follows.

6. In regulation 2(1) (interpretation)—

(a) after the definition of “independent nurse prescriber” insert—

““independent prescriber” means—

- (a) an independent nurse prescriber;
- (b) a pharmacist independent prescriber;
- (c) a physiotherapist independent prescriber;
- (d) a podiatrist or chiropodist independent prescriber; or
- (e) a therapeutic radiographer independent prescriber;”;

(b) in the definition of “prescriber”—

(i) in paragraph (e) omit “and”; and

(ii) at the end of paragraph (f) insert—

“; and

(g) a therapeutic radiographer independent prescriber;”;

(c) in the definition of “supplementary prescriber”—

(i) in paragraph (d)(ii) omit “or”; and

(ii) after paragraph (d)(iii) insert—

“(iv) dietitians; or”; and

(d) after the definition of “temporary resident” insert—

““therapeutic radiographer independent prescriber” means a person—

- (a) registered in Part 11 of the register maintained under article 5 of the Health and Social Work Professions Order 2001; and
- (b) against whose name in that register is recorded—

(4) S.S.I. 2004/116; regulation 2(1) was relevantly amended by S.S.I. 2007/502, S.I. 2010/231, S.I. 2012/1479 and S.S.I. 2014/73; paragraph 15 of schedule 1 was relevantly amended by S.S.I. 2007/205, S.S.I. 2007/502, S.S.I. 2011/55, S.S.I. 2014/73 and S.S.I. 2014/148, and paragraph 28 of schedule 1 was relevantly amended by S.S.I. 2007/502, S.S.I. 2010/395 and S.S.I. 2014/73.

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- (i) an entitlement to use the title “therapeutic radiographer”; and
- (ii) an annotation signifying that the person is qualified to order drugs, medicines and appliances as a therapeutic radiographer independent prescriber;”.

**7. In schedule 1 (content of agreements)—**

- (a) in paragraph 13 (restrictions on prescribing by supplementary prescribers)—
  - (i) in sub-paragraph (1) for “parental” in each place it occurs substitute “parenteral”; and
  - (ii) in sub-paragraph (4)(e) for “provision or” substitute “provision of”;
- (b) in paragraph 15 (provision of dispensing services)—
  - (i) in sub-paragraph (3)(b) for “apply” substitute “supply”;
  - (ii) in sub-paragraphs (6) and (7) for “, an independent nurse prescriber, a pharmacist independent prescriber, a physiotherapist independent prescriber or a podiatrist or chiropodist independent prescriber” in each place it occurs substitute “or an independent prescriber”; and
- (c) in paragraph 28 (independent nurse prescribers and supplementary prescribers)—
  - (i) the heading becomes “Independent prescribers and supplementary prescribers”; and
  - (ii) in sub-paragraphs (1) and (2) for “independent nurse prescriber, a supplementary prescriber, a pharmacist independent prescriber, a physiotherapist independent prescriber or a podiatrist or chiropodist independent prescriber” in each place it occurs substitute “independent prescriber or a supplementary prescriber”.

**Commencement Information**

- 15** Reg. 5 in force at 31.12.2016, see [reg. 1](#)
- 16** Reg. 6 in force at 31.12.2016, see [reg. 1](#)
- 17** Reg. 7 in force at 31.12.2016, see [reg. 1](#)

**Amendment of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009**

**8.** The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009(5) are amended as follows.

**9.** In regulation 2(1) (interpretation and application)—

- (a) after the definition of “hypodermic needle exchange services” insert—
  - ““independent nurse prescriber” means a person—
  - (a) who is registered in the Nursing and Midwifery Register; and
  - (b) against whose name is recorded in that register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a community practitioner nurse prescriber, a nurse independent prescriber or a nurse independent/supplementary prescriber;”;
- (b) omit the definition of “nurse independent prescriber”;
- (c) in the definition of “prescriber”—

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- (i) in paragraph (c) for “nurse independent prescriber” substitute “independent nurse prescriber”;
- (ii) in paragraph (f) omit “or”; and
- (iii) after paragraph (f) insert—
  - “(fa) a therapeutic radiographer independent prescriber, or”;
- (d) in the definition of “supplementary prescriber”—
  - (i) in paragraph (d)(ii) omit “or”;
  - (ii) in paragraph (d)(iii) omit “or”; and
  - (iii) after paragraph (d)(iii) insert—
    - “(iv) dietitians; or”; and
- (e) after the definition of “terms of service” insert—
  - ““therapeutic radiographer independent prescriber” means a person—
  - (a) registered in Part 11 of the register maintained under article 5 of the Health and Social Work Professions Order 2001; and
  - (b) against whose name in that register is recorded—
    - (i) an entitlement to use the title “therapeutic radiographer”; and
    - (ii) an annotation signifying that the person is qualified to order drugs, medicines and appliances as a therapeutic radiographer independent prescriber;”.

#### Commencement Information

**18** Reg. 8 in force at 31.12.2016, see [reg. 1](#)

**19** Reg. 9 in force at 31.12.2016, see [reg. 1](#)

St Andrew’s House,  
Edinburgh  
23rd November 2016

*SHONA ROBISON*  
A member of the Scottish Government

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PROSPECTIVE

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004 (“the *GMS Regulations*”), the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004 (“the *Section 17C Regulations*”) and the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 (“the *2009 Regulations*”), by extending the definition of prescriber through the insertion of a new category of independent prescriber, namely therapeutic radiographer independent prescriber, and by extending the definition of supplementary prescriber to include registered dietitians.

The *GMS Regulations* and the *Section 17C Regulations* contain rules about the supply of drugs, medicines or appliances by GPs, with specific provision in relation to drugs, medicines or appliances prescribed by supplementary prescribers or certain independent prescribers. Regulations 4(a) and 7(b)(ii) amend those provisions so that they also apply in the case of a therapeutic radiographer independent prescriber. Registered dietitians are added to these rules by virtue of the amended definition of supplementary prescriber.

Regulation 4(b)(ii) adds therapeutic radiographer independent prescribers into paragraph 58 of schedule 5 of the *GMS Regulations* and regulation 7(c)(ii) makes an equivalent amendment to paragraph 28 of schedule 1 of the *Section 17C Regulations*. These provisions require contractors and providers, in the *GMS Regulations* and *Section 17C Regulations* respectively, to notify the Health Board when an independent or supplementary prescriber starts or ceases to operate within the practice.

Registered dietitians are added to these rules by virtue of the amended definition of supplementary prescriber.

Regulation 7(a) and (b)(i) and regulation 9(a), (b) and (c)(i) correct drafting errors in the *Section 17C Regulations* and the *2009 Regulations* respectively.

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**Changes and effects yet to be applied to :**

- reg. 1 coming into force by [S.S.I. 2016/393 reg. 1](#)
- reg. 2 coming into force by [S.S.I. 2016/393 reg. 1](#)
- reg. 2 revoked by [S.S.I. 2018/66 sch. 9](#)
- reg. 3 coming into force by [S.S.I. 2016/393 reg. 1](#)
- reg. 3 revoked by [S.S.I. 2018/66 sch. 9](#)
- reg. 4 coming into force by [S.S.I. 2016/393 reg. 1](#)
- reg. 4 revoked by [S.S.I. 2018/66 sch. 9](#)
- reg. 5 coming into force by [S.S.I. 2016/393 reg. 1](#)
- reg. 5 revoked by [S.S.I. 2018/67 Sch. 7](#)
- reg. 6 coming into force by [S.S.I. 2016/393 reg. 1](#)
- reg. 6 revoked by [S.S.I. 2018/67 Sch. 7](#)
- reg. 7 coming into force by [S.S.I. 2016/393 reg. 1](#)
- reg. 7 revoked by [S.S.I. 2018/67 Sch. 7](#)
- reg. 8 coming into force by [S.S.I. 2016/393 reg. 1](#)
- reg. 9 coming into force by [S.S.I. 2016/393 reg. 1](#)